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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,770	12/03/1999	CLIFFORD C. THOMPSON	2849/0G277	4218
7590 12/06/2005			EXAMINER	
DARBY & DARBY P C 805 THIRD AVENUE NEW YORK, NY 10022			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/454,770

Applicant(s)

THOMPSON, CLIFFORD C.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 9/6/05, a Pre-Appeal Brief conference has been conducted, which resulted in the decision to re-open prosecution of this case. The following is a non-final office action. Claims 1-10 are pending in this application and have been examined on the merits. Claims 1-10 are rejected as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukuda (US 6,085,170).

As per claim 1, Tsukuda discloses:

(a) dispatching the carrier with the parcel to the location of the intended recipient in accordance with delivery instructions associated with the parcel, the location corresponding to the address of the intended recipient on delivery instructions provided by a sender, (Col. 6, lines 29-31, notifying an agent to the distribution server);

(b) the carrier accessing the secure receptacle at the location, (Col. 10, lines 31-34, instruction to open or release the key is given, and the distributor opens the door);

(c) the carrier placing the parcel within the accessed secure receptacle, (Col. 10, lines 34-35, distributor enters the delivery goods into the box);

(d) the carrier securing the secure receptacle after placing the parcel within the secure receptacle, (Col. 10, lines 35-44, distributor closes the door and instruction to close or lock the key of the closed door);

(e) the carrier making further deliveries at additional locations after having placed the parcel within the secure receptacle, (Col. 1, lines 37-42, shows a known technique for delivery that can be applied to the invention where a plurality of delivery boxes are provided, enabling multiple deliveries or each room in a condominium); and

(f) using a scanner, automatically registering the placement of the parcel within the secure receptacle after the securing step by communicating placement data concerning the placement of the parcel within the secure receptacle over a communication link, (Col. 8, lines 34-39, information on the completion of the delivery of goods is registered, w/ col. 9, line 65-col. 10, line 4, shows that the information about the arrival of the package is registered via bar code which represents the scanning, w/ col. 17, lines 12-19, shows locking the open/close device and then setting an identification code of delivered goods to be commissioned into the locker information [registered]).

As per claim 2, Tsukuda discloses:

reading a code on the parcel in response to the securing step; and storing the code in a memory, (col. 9, line 65-col. 10, line 4, shows that the information about the arrival of the package is registered via bar code which represents the scanner, in this

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case, the storage of the code in memory is inherent with Tsukuda since information accessed via barcode/scanner must be stored in the memory of the scanner in order for the scanner to read and process the barcode information).

As per claim 3, Tsukuda discloses:

accessing a remote location by way of communication link, (Col. 4, lines 53-56, transmitting the scheduled date of arrival for delivery goods to the distribution center through the communication network, where the distribution center represents the remote location); and

conveying the placement data to the remote location, (Col. 8, lines 56-57, goods actually carried into the distribution center).

wherein the registering step is in response to the securing step, (col. 17, lines 12-19, shows locking the open/close device and then setting an identification code of delivered goods to be commissioned into the locker information [registered]).

As per claim 4, Tsukuda discloses:

wherein the secure receptacle has a locked state and an unlocked state, and wherein the accessing step includes the additional step of:

moving from the locked state to the unlocked state in response to an authorized identifier, (Col. 17, lines 1-10, providing an identification number of the delivery goods and when the good satisfies the condition, instructing the release of a key to open the device of the box).

As per claim 5, Tsukuda discloses:

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Wherein the authorized identifier is received from at least one of: a magnetic strip card, a key pad, and a smart card, (Col. 4, lines 30-32, IC card reader/keyboard).

As per claim 6, Tsukuda discloses:

wherein the secure receptacle has a locked state and an unlocked state, and wherein the accessing step includes the additional step of:

moving from the unlocked state to the locked state after receiving the parcel, (Col. 17, lines 12-15, instructing locking of the key).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda (US 6,085,170).

As per claims 7, 8, 9, Tsukuda does not specifically disclose the following: including the additional step of generating a log entry in response to the accessing step, or including the additional step of generating a log entry in response to the securing step, or including the additional step of generating a log entry in response to the registering step, but does disclose that after the box is opened, a check is done by way of sensor to see if the box is still open after being accessed in col. 10, lines 34-41, then proceeding to next step of the process, and after the box is closed, performing a check, then proceeding to next step of the process. Since a sensor is used to perform these

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checks, one can conclude that it would be obvious to have an entry for each piece of sensed data, since the means for checking must have some type of reference to go to for accessing the sensed data.

Official notice is taken that it is old and well known in the delivery art at the time of the applicant's invention to generate a log entry in response to the accessing of the parcel, in response to the securing step, and in response to the registering step. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate a log entry in response to the accessing step, in response to the securing step, and in response to the registering step with the motivation of having means for checking for entries of the sensed data.

As per claim 10, Tsukuda does not specifically disclose the following:

Where in the placing step is performed at night.

Official notice is taken that it is old and well known in the secure receptacle delivery art for the placing step to be performed at night. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the placing step to occur at night with the motivation of adequately utilizing the secured receptacle feature by placing the parcel in the receptacle at a time where no one is available to receive the package.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

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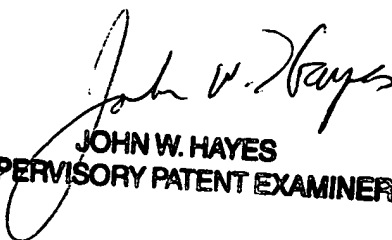
571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
November 29, 2005



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER